

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

This Document Relates To: All Actions

No. 0:18-cv-1776-JRT-HB

**DEFENDANT AGRI STATS, INC.’S
MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM
UPON WHICH RELIEF MAY BE
GRANTED**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Agri Stats, Inc. (“Agri Stats”) moves this Court for an order dismissing all Plaintiffs’ complaints in these actions with prejudice.

The grounds of this motion are that Plaintiffs’ complaints fail to allege facts plausibly suggesting that Agri Stats entered any agreement to reduce pork supplies. Agri Stats is neither a producer nor seller of pork. To allege a claim that Agri Stats joined a conspiracy to reduce pork supplies, Plaintiffs’ complaints must allege that (a) Agri Stats knew of, and agreed to support, any such agreement and (b) Agri Stats reports contain the forward-looking production information necessary to support such a conspiracy. Plaintiffs’ complaints do neither.

This motion is based on the foregoing, memorandum of law in support of this motion filed concurrently, all other matters of record, and any oral argument that the Court may hear.

DATED: January 15, 2020

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